

## **Chapter 42 HUMAN RELATIONS\***

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**\*State law reference(s)**--Civil rights, MCL 37.2101 et seq.

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### **ARTICLE I. IN GENERAL**

Secs. 42-1--42-30. Reserved.

### **ARTICLE II. FAIR HOUSING\***

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**\*State law reference(s)**--Housing discrimination, MCL 37.2501 et seq.

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#### **Sec. 42-31. Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Housing accommodation* means improved or unimproved real property, or a part thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home or residence of one or more persons.

*Real estate broker or salesman* means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property; who negotiates or attempts to negotiate any of those activities; who holds himself out as engaged in those activities; who negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property; who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of a real estate broker or salesman.

*Real estate transaction* means the sale, exchange, rental or lease of real property, or an interest therein.

*Real property* means a building, structure, mobile home, real estate, land, mobile home park, trailer park, tenement, leasehold, or an interest in a real estate cooperative or condominium.

(Code 1975, § 8<sup>1</sup>/<sub>2</sub>-11)

**Cross reference(s)**--Definitions generally, § 1-2.

**State law reference(s)**--Similar provisions, MCL 37.2501.

#### **Sec. 42-32. Penalties.**

Any person who violates any provision of this article concerning discrimination in real property transactions shall be responsible for a civil infraction.

(Code 1975, § 8<sup>1</sup>/<sub>2</sub>-17)

**Sec. 42-33. Person engaging in real estate transaction, broker or salesman; prohibited acts.**

- (a) A person engaging in a real estate transaction, or a real estate broker or salesman, shall not on the basis of religion, race, color, national origin, age, sex, marital status, or handicap of a person or a person residing with that person:
  - (1) Refuse to engage in a real estate transaction with a person.
  - (2) Discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith.
  - (3) Refuse to receive from a person or transmit to a person a bona fide offer to engage in a real estate transaction.
  - (4) Refuse to negotiate for a real estate transaction with a person.
  - (5) Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or knowingly fail to bring a property listing to a person's attention, or refuse to permit a person to inspect real property.
  - (6) Print, circulate, post, mail, or otherwise cause to be published a statement, advertisement, notice, or sign, or use a form of application for a real estate transaction, or make a record of inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a preference, limitation, specification, or discrimination with respect thereto.
  - (7) Offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.
- (b) This section is subject to section 42-34.

(Code 1975, § 8<sup>1</sup>/<sub>2</sub>-12)

**State law reference(s)**--Similar provisions, MCL 37.2502.

**Sec. 42-34. Housing accommodations; exemptions.**

- (a) Section 42-33 shall not apply:
  - (1) To the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other if the owner or a member of the owner's immediate family resides in one of the housing accommodations, or to the rental of a room or rooms in a single-family dwelling by a person if the lessor or a member of the lessor's immediate family resides therein.
  - (2) To the rental of housing accommodation for not more than 12 months by

the owner or lessor where it was occupied by him and maintained as his home for at least three months immediately preceding occupancy by the tenant and is temporarily vacated while maintaining legal residence.

- (3) With respect to the age provision only, to the sale, rental, or lease of housing accommodations meeting the requirements of federal, state, or local housing programs for senior citizens, or accommodations otherwise intended, advertised, designed or operated, bona fide, for the purpose of providing housing accommodations for persons 50 years of age or older.
- (b) As used in subsection (a) of this section, the term "immediate family" means a spouse, parent, child, or sibling.
- (c) Information relative to the marital status of an individual may be obtained when necessary for the preparation of a deed or other instrument of conveyance.

(Code 1975, § 8<sup>1</sup>/<sub>2</sub>-13)

**State law reference(s)**--Similar provisions, MCL 37.2503.

**Sec. 42-35. Financial institution; discrimination; exemption.**

- (a) A person to whom application is made for financial assistance or financing in connection with a real estate transaction or in connection with the construction, rehabilitation, repair, maintenance, or improvement of real property, or a representative of that person, shall not:
  - (1) Discriminate against the applicant because of the religion, race, color, national origin, age, sex, marital status or handicap of the applicant or a person residing with the applicant.
  - (2) Use a form of application for financial assistance or financing or make or keep a record of inquiry in connection with an application for financial assistance or financing which indicates, directly or indirectly, a preference, limitation, specification, or discrimination as to the religion, race, color, national origin, age, sex, marital status or handicap of the applicant or a person residing with the applicant.
- (b) Subsection (a)(2) of this section shall not apply to a form of application for financial assistance prescribed for the use of a lender regulated as a mortgagee under the National Housing Act, as amended, being 12 USC Sections 1701 to 1750G (Supp. 1973) or by a regulatory board or officer acting under the statutory authority of this state or the United States.

(Code 1975, § 8<sup>1</sup>/<sub>2</sub>-14)

**State law reference(s)**--Similar provisions, MCL 37.2504.

**Sec. 42-36. Use or occupancy of real property; condition restriction or prohibition void; exception for religious or charitable institution.**

- (a) A condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of religion, race, color, national origin, age, sex, marital status or handicap is void, except a limitation of use on the basis of religion relating to real

property held by a religious institution or organization, or by a religious or charitable organization operated, supervised, or controlled by a religious institution or organization, and used for religious or charitable purposes.

- (b) A person shall not insert in a written instrument relating to real property a provision that is void under this section or honor such a provision in the chain of title.

(Code 1975, § 8<sup>1</sup>/<sub>2</sub>-15)

**State law reference(s)**--Similar provisions, MCL 37.2505.

**Sec. 42-37. Representation of change in composition, value, behavior or quality of schools to induce real estate transaction for financial benefit.**

A person shall not represent, for the purpose of inducing a real estate transaction from which the person may benefit financially, that a change has occurred or will or may occur in the composition with respect to religion, race, color, national origin, age, sex, marital status or handicap of the owners or occupants in the block, neighborhood, or area in which the real property is located, or represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

(Code 1975, § 8<sup>1</sup>/<sub>2</sub>-16)

**State law reference(s)**--Similar provisions, MCL 37.2506.